

REMARKS

Continued examination and reconsideration of the application, as amended, is respectfully requested.

On page 2 of the office action, the Examiner again rejected claims 1-2, 4, 8, 13-14, 16 and 20 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 1,887,990 to Brownsdon *et al.* He reiterated the analysis of claims 1 and 13 that he used in his previous rejection, without remarking on the amendments applicants had made in response to the first office action. Once again, applicants would point out that their invention is very different from Brownsdon's. For instance, Brownsdon's "tracer platform" which the Examiner has stated is found at 3, 4, (actually the wad and perforation) does not "hold" and "carry" an integrated tracer element. Brownsdon's tracer pellet (6) "sits loosely in a central perforation in the wad" (page 1, ll. 29-30) and "is substantially as free to move forward with the shot as the shot pellets themselves" (page 1, ll. 24-26); it is not held or carried by the wad, nor is it integrated therein. In fact, "[T]he clearance shown between the tracer pellet and the walls of the perforation must be such that the pellet is held in position substantially without friction and can move freely forward independently of the wad" (page 1, ll. 54-59). The tracer element disclosed in the present application is an inseparable part of the tracer platform. Applicants had previously amended claims 1 and 13 to claim that the tracer platform holds and carries the integrated tracer element. Applicants have further amended claims 1 and 13 to indicate that the tracer element is inseparable from the tracer platform.

Further, in rejecting claims 1 and 13, the Examiner stated that Brownsdon discloses a tracer platform having a tracer element filling a coaxial cavity having a lower end at the

bottom of the tracer platform. However, the tracer element in Brownsdon does not fill a coaxial cavity; it sits atop a central empty perforation in the wad (or wads). The tracer platform disclosed in the present application has no perforation or passage to ignite the tracer element since the tracer element is in direct contact with the propellant blast. The invention disclosed in Brownsdon also requires "the closed end of the tracer cartridge [pellet] being in engagement with the shot charge" (page 2, ll. 10-12), as verified in Fig. 1 and Fig. 2. Neither the tracer platform nor the tracer element (under the closed nose of the tracer platform) of the present invention is in contact with the shot pellets, but are separated therefrom by the shot holder. In any event, applicants have amended claims 1 and 13 to claim that the nose of the tracer platform is closed and that it is positioned proximate to the shot holder, and that the bottom of the tracer platform is positioned proximate to the propellant, with the tracer element disposed away from the shot holder. Claims 1 and 13, as amended, are not anticipated by Brownsdon *et al.*, and should be allowable over the reference. Claims 2, 4, 8, 14, 16, and 20, which depend therefrom, should be allowable as well.

On page 3 of the office action, the Examiner rejected claims 3 and 15 under 35 U.S.C. §103(a) as being unpatentable over Brownsdon *et al.* as applied to claim 2 or 13, and further in view of U.S. Patent No. 6,694,887 to Diller. Applicants have amended claim 1, upon which 2 depends, and claim 13, so that they are allowable over Brownsdon *et al.*; claims 3 and 15, therefore, are not obvious and should be allowable.

On page 4, the Examiner rejected claims 5 and 17 under 35 U.S.C. §103(a) as being unpatentable over Brownsdon *et al.* as applied to claim 1 or 13, and further in view of U.S.

Patent No. 3,262,390 to Cowles. Applicants have amended claims 1 and 13, upon which claims 5 and 17, respectively, depend, so that they should be allowable over Brownsdon *et al.* Therefore, claims 5 and 17 are not obvious, and should be allowable as well.

On page 5, the Examiner rejected claims 6 and 18 under 35 U.S.C. §103(a) as being unpatentable over Brownsdon *et al.* as modified by Cowles *et al.* as applied to claim 5 or 17, and further in view of U.S. Patent No. 6,694,887 to Diller. Applicants have amended claims 1 and 13, upon which claims 5 and 17, respectively, depend, to be allowable over Brownsdon *et al.* Therefore, claims 6 and 18 are not obvious, and should be allowable as well.

On page 5, the Examiner rejected claims 7 and 19 under 35 U.S.C. §103(a) as being unpatentable over Brownsdon *et al.* as applied to claim 1 or 13, and further in view of U.S. Patent No. 4,841,866 to Miesner. Applicants have amended claims 1 and 13, upon which claims 7 and 19 respectively, depend, so that they should be allowable over Brownsdon *et al.* Therefore, claims 7 and 19 are not obvious, and should be allowable as well.

On page 5, the Examiner rejected claims 9 and 21 under 35 U.S.C. §103(a) as being unpatentable over Brownsdon *et al.* as applied to claim 1 or 13, and further in view of U.S. Patent No. 1,887,989 to Brownsdon. Applicants have amended claims 1 and 13, upon which claims 9 and 21, respectively, depend, to be allowable over Brownsdon *et al.* Therefore, claims 9 and 21 are not obvious, and should be allowable as well.

On page 6, the Examiner rejected claims 9 -12 and 21-24 under 35 U.S.C. §103(a) as being unpatentable over Brownsdon *et al.* as applied to claim 1 or 13, and further in view of U.S. Patent No. 6,694,887 to Diller. Applicants have amended claims 1 and 13, upon

which claims 9 -12 and 21-24, respectively, depend, so that they are allowable over *Brownsdon et al.* Therefore, claims 9-12 and 21-24 are not obvious, and should be allowable.

Applicants have added new claims 25 and 26, which depend from claims 1 and 13, respectively, to further define the means for making the tracer pellet inseparable from the tracer platform. Applicants respectfully request their allowance.

In light of the foregoing arguments, and upon entry of the amendments, allowance of claims 1 through 26 should be in order and is respectfully requested.

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Respectfully submitted,



Mary J. Gaskin

Patent Attorney for applicants

Registration No. 30,381

2170 Buckthorne Pl., Suite 220

The Woodlands, TX 77380

Phone: (281) 363-9121

Fax: (281) 363-4066

cc: Mr. James Dunnam
Mr. Mauricio Quintana

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